

THE WHITE HOUSE
WASHINGTON

CIA cy #1 *See B.*

February 1, 1977

TOP SECRET

MEMORANDUM FOR

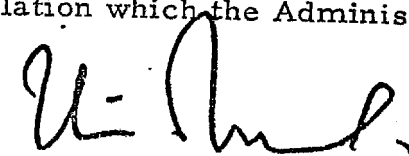
THE ATTORNEY GENERAL

SUBJECT: Draft Memorandum on Electronic Surveillance

As you requested, I have reviewed the draft of the memorandum you propose to send to the President concerning electronic surveillance. My initial reaction is that I do not have any fundamental problems with it. I do, however, believe that both the so-called "important" and "essential" cases should be reviewed and certified by both the Secretary of State (or a Presidential appointee who is his personally designated representative) and myself (or in my absence from Washington by my Deputy). This would provide an additional certification for the "essential" cases and would codify the practice that has evolved on the "important" cases.

It would be most useful if at our next pre-SCC meeting on this subject ~~(9:15 a.m.)~~ ^{2:30 p.m.} on 11 February) we could have before us your final memorandum to the President. At that time, we will also consider the study being prepared by our senior aides concerning the substantive value and risk of these operations. This will allow us to view the problem as a whole as we consider our recommendations to the President on the future of this program.

Finally, I would like to state my strong interest in consulting with you concerning the electronic surveillance legislation being drafted by the Department of Justice. Clearly this is one of the most important pieces of national security legislation which the Administration will sponsor.



Zbigniew Brzezinski

cc: The Secretary of State
Acting Director of Central Intelligence

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NATIONAL SECURITY COUNCIL

Please note that there has been a change in the time of the pre-SCC meeting. It will be held at 2:30 p.m. on 11 February instead of 9:15 a.m. on 11 February.

*We got this
info by phone 29
Jan & it was
distributed in my
NSC. 29 Jan 1961*

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Attach to
TS-770508

when it comes back for
Det. DC

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8 February 1977

NOTE FOR MR. KNOCHE

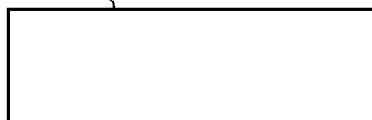
Hank,

In response to my inquiry, Doug Marvin, Special Assistant to the Attorney General, informed me that Mr. Bell did sign and forward his letter on electronic surveillance to the President last week. Further, the President, on 3 February, signed the proposed memo to the Attorney General, delegating to him the authority to approve electronic surveillance operations without judicial warrants.

The memo signed by the President reportedly had "minor modifications" from the draft provided to you on 26 January. The Attorney General is writing you in response to your 28 January memo to him, and Doug Marvin said he would provide this to me tomorrow, 9 February.

I will incorporate these developments into the briefing paper for your 11 February meeting with the [redacted]."

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SA-D/DCI/IC

cc: [redacted]

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